

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE CELEXA AND LEXAPRO)
PRODUCTS LIABILITY LITIGATION)

MDL DOCKET NO. 1736
ALL CASES

MEMORANDUM AND ORDER

This matter is before me on my review of the file. Of the 45 cases currently pending before me in this MDL case, at least 43 of them involve suicide or attempted suicide allegedly caused by the ingestion of Celexa or Lexapro.¹ The parties have presented this MDL as involving the issues of whether the drugs create a risk of suicidality and whether defendants failed to provide adequate warnings regarding the alleged risk of suicidality. The discovery disputes that the Court has had to resolve have dealt with how and whether the defendants reported certain events to the Food and Drug Administration as they related to suicidality, and the types of evidence that must be preserved and disclosed by the plaintiffs in light of their claims of suicide and attempted suicide. No issues relating to any type of side effect or risk from ingesting these drugs, other than suicidality, has ever been raised by the parties or brought to the attention of the Court during the

¹One case, 4:06CV726 RWS, Lois Ilich v. Forest Labs., Inc. et al., arising out of the Western District of Washington, involves an “adverse reaction” of death, six days after the decedent began taking Celexa. I suspect that this case also involves suicidality, although in this Order I will also ask the parties to explain why this case is appropriate for inclusion in this MDL.

pendency of this MDL.

A case was transferred to me as part of this MDL that does not appear to arise out of allegations that include suicidality: 4:06CV717 RWS, Debra Drewry v. Forest Labs., Inc., arising out of the Southern District of New York. This survival and wrongful death case involves birth defects allegedly resulting from the ingestion of Celexa by the decedent's mother during pregnancy. To continue to advance the benefits of the MDL, I am asking the parties to file memoranda, not to exceed five pages in length, to show cause why this case should remain part of this MDL. The parties should be specific as to what discovery overlaps in this case and the suicidality cases, how the pharmacological evidence is similar in both cases, how the issue about the adequacy of warnings about the risk of suicidality relates in any way to this case, and the continued benefits of inclusion of this case in the MDL. The parties should also file a similar memorandum with respect to the Ilich case unless plaintiffs' counsel files a stipulation that the case deals with suicidality.


Accordingly,

IT IS HEREBY ORDERED that the parties shall file their memoranda as set forth above by not later than February 2, 2009.

IT IS FURTHER ORDERED that the Court will hold a telephone status

conference with counsel on Thursday, February 5, 2009 at 2:00 p.m.

Plaintiffs' counsel is responsible for placing the call and having all parties on the line before contacting the Court at 314-244-7430.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of January, 2009.